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1350 Connecticut Ave, N.W
Washington DC 20036

In re Application of:
Hauer et al.
Serial No.: 10/031,241
Filed: January 17, 2002
Attorney Docket No.: 50531

DECISION ON PETITION TO
WITHDRAW THE HOLDING
OF ABANDONMENT

This is in response to applicants' petition under 37 CFR § 1.181(a) filed on July 20, 2005, requesting withdrawal of the holding of abandonment based on the timely filing of a response to the Office action mailed June 3, 2004 (not June 30, 2004, as applicants state in their petition).

A review of the file history shows that the examiner mailed a final Office action to applicants on June 3, 2004, setting a three-month statutory time period for reply. On July 1, 2005, the examiner mailed a notice of abandonment for failure to respond to the outstanding Office action.

Applicants state that a Notice of Appeal was filed on October 25, 2004 and a Brief on Appeal was filed on January 28, 2005, as evidenced by the corresponding return receipt stamped postcards identifying the papers filed.

However, applicants Brief on Appeal was due no later than seven months from the Office action mailed June 3, 2004, not June 30, 2004. Therefore, applicants Brief on Appeal was not timely filed.

Applicants' petition is **DENIED** and the application remains abandoned.

Should there be any questions about this decision, please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or facsimile at 703-872-9306.

Bruce Kisliuk
Director, Technology Center 1600